PUBLIC NOTICE

US Army Corps of Engineers®

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-2006-01632-SDM
Comment Period: December 22, 2008 through January 22, 2009
Project Manager: Sallie McGuire; 602-640-5385 x221; Sallie.McGuire@usace.army.mil

Applicant
City of Phoenix
Parks and Recreation Department
Sara Hensley
200 W Washington
Phoenix, Arizona 85003

Location
At the Rio Salado Habitat Restoration Area, located between 19th Avenue and 28th Street, in the Salt River, Sections 16, 17, 19, 20, 21, 22 and 23, T1N, R3E, Phoenix, Maricopa County, Arizona. Hydrologic Unit Code: 15060106

Activity
To discharge dredged and/or fill material in order to perform maintenance and monitoring activities deemed necessary to continue the upkeep, restoration and enhancement of the Rio Salado Habitat Restoration Area (see attached drawings). For more information see page 3 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the record and will be considered in the decision. This permit will be issued or denied under Section 404 of the Clean Water Act (33 U.S.C. 1344). Comments should be mailed to:

Los Angeles District, Corps of Engineers
Arizona-Nevada Area Office
3636 N Central Avenue, Suite 900
Phoenix, Arizona 85012-1939

Alternatively, comments can be sent electronically to: Sallie.McGuire@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the Arizona Department of Environmental Quality. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance.

Cultural Resources- A cultural resources survey of the project area was completed by U.S. Army Corps of Engineers (USACE) archeologists as part of the EIS prepared for the overall construction of Rio Salado. Two historic refuse landfills were located within the proposed project area, but are not considered eligible for listing in the National Register of Historic Places. In the event that cultural features or buried deposits are encountered during maintenance and monitoring activities, these activities will be discontinued and the USACE Archaeologist and City of Phoenix Archaeologist will be notified.

Endangered Species- Preliminary determinations indicate that the proposed activity would not affect federally-listed endangered or threatened species, or their critical habitat. Therefore, formal consultation under Section 7 of the Endangered Species Act does not appear to be required at this time.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

Project Background

In cooperation with the COP and the Flood Control District of Maricopa County, the US Army Corps of Engineers (USACE) undertook Rio Salado as an effort to provide outdoor recreational and educational opportunities to local residents through developing and restoring approximately 595-acres of wetland and riparian habitats historically located within the Salt River.

Under authority of the Flood Control Act of 1938, the Secretary of the Army authorized the creation of preliminary examinations and surveys along the Gila River and its tributaries. In May of 1994, Congress adopted House Resolution 2425 which provided additional commitment and authority to the USACE Chief of Engineers to review reports in the State of Arizona in the interest of environmental protection and restoration purposes. Under a 1994 Energy and Water Development Appropriations Bill, Congress funded the USACE to conduct a General Investigations, a two-phase feasibility study, to investigate flooding and water quality issues in the Rio Salado area. The focus of the study was to "consider water quality, recreation, and restoration of riparian habitat benefits as well as benefits traditionally displayed". The initial phase of investigations documented decision making, identified alternatives and studied adherence to applicable statues and ordinances.

In March 1995, the Los Angeles (LA) District of the USACE completed the first phase of the General Investigations by concluding field reconnaissance of the Rio Salado project area. The findings were documented in the Rio Salado, Salt River, AZ Reconnaissance Report, U.S. Army Corps of Engineers, Los Angels District, South Pacific Division, March 1995. Based on the findings, the LA USACE recommended that there was Federal interest in proceeding to a second, feasibility phase to explore "environmental restoration with incidental recreation…of the Salt River at Rio Salado…". The USACE Headquarters certified the report in June 1995 and gave the LA District authority to move into a feasibility phase.

A feasibility report was completed in April 1998 and was submitted to USACE Chief of Engineers for review. The feasibility report documented decision making, identified alternatives and studied adherence to applicable statues and ordinances. The USACE Chief of Engineers concurred with the findings, and the feasibility report was then submitted to Congress in August 1998 for review. Based on the feasibility report, funding was allocated to the USACE for design and construction of Rio Salado under the Water Resources Development Act of 1999.

In June of 2000, the USACE commenced construction of Rio Salado. The first phase of construction was the wetland habitat located at 7th Avenue, along with minimal restoration activities within the low-flow channel (LFC) between 19th Avenue and 16th Street. The third phase of construction is currently underway between 16th Street and 28th Street within the low-flow channel of the Salt River. Starting in February of 2008, a water treatment facility is being constructed by the USACE near 7th Avenue. Once the water treatment facility is complete, the USACE will relinquish responsibility for Rio Salado to the COP. At that time, the COP will be responsible for the operations and management of the area, hence this request for individual permit.

Specific Activities

Approximately 180 acres of Waters of the United States (WOUS) are located within the Rio Salado project area. Of this total, approximately 50 acres are considered wetland habitat. Wetland habitat within the project area is concentrated between 19th Avenue and 9th Street and is predominantly present within the low-flow channel. Due to the dynamic nature of the flows in the Salt River, however, not all of this wetland acreage would always be present as it expands and contracts by its own methods, and would undoubtedly re-grow over time. It is anticipated that wetland habitat would be removed within the low-flow channel in order to maintain channel capacity, to prevent inundation to surrounding habitat, and to prevent debris build-up within the project area.

It is anticipated that the approximately 180-acres of the designated WOUS located in the Rio Salado project area could be potentially impacted as a result of the proposed maintenance and monitoring activities. Although is not anticipated that the entire 180-acres of WOUS would be affected at one time, it is assumed that the majority of the 180-acres of WOUS could be permanently impacted throughout the duration of this permit.

As part of the COP's management responsibilities, specific objectives have been outlined in the Rio Salado Monitoring and Adaptive Management Plan. To complete these objectives, the COP would be required to perform dredge and fill activities below the ordinary high water mark of the Salt River to complete a variety of maintenance and monitoring activities deemed necessary to continue the upkeep, restoration and enhancement of Rio Salado, as well as comply with local, state and federal permits and agreements. Proposed maintenance and monitoring activities required for this project area are as follows:

Grading- Ponding water is an excellent source of habitation for mosquitoes. Grading would be used as a vector control measure. The minimization of the effects of storm events would also require the need for grading and would be used to combat bank erosion, sediment buildup, impacts to access roads and trails, and to improve drainage through the project area. Locations of grading are not known at this time as it would be used in reaction to precipitation events and general maintenance for rehabilitation; however, it is assumed that the entirety of the 180-acre area of permanent impact to WOUS identified for the project would be graded at one time or another.

Channelization- To manage areas that experience significant or prolonged and/or greater periods of ponding, the COP would seek to resolve this problem through the use of channelization or broad re-grading efforts to low-flow areas. Abnormal flow events may cause a change in the designed capacity or configuration of the low-flow channel and of the Salt River and channelization would be used to resolve such an issue in the approximately 20-foot wide low-flow channel throughout the 5-mile reach of Rio Salado.

Survey activities- Periodic testing and monitoring would be required to evaluate soil and water quality within the project area. Coring and soil surveys would be required to test soil conditions and salinity levels. Additionally, water quality would be monitored within Rio Salado water bodies and supply wells in the project area. If new water supply wells are needed, surveying would be used to locate new sources.

Infrastructure installation and repair- New structures and equipment would be added to the project area as part of required monitoring activities and future infrastructure enhancements to the project area. New infrastructure such as well-head treatment units for water quality, solar panels and storage devices for alternative power sources and new lines for irrigation may be installed in the project area. Additionally, existing infrastructure such as electrical/irrigation lines and pumps, outfall

structure related items (i.e., grates, aprons, etc.) and aesthetic features may need to be repaired or replaced.

Bank reinforcement- Areas of the Salt River currently possesses bank reinforcement such as riprap, gabion riprap, and concrete lining. To prevent channel degradation, bank protection may be utilized throughout the project area. In the event that banks within the project area become too steep due to erosion or if slope stability decreases from other means, banks may be modified to include bank reinforcement. Based of the level of degradation, effort would be made to use a combination of erosion control materials and native vegetation.

Construction of access roads and trails- It is the intent of the COP to continue and improve the outdoor recreational and educational opportunities that Rio Salado currently provides. It is anticipated that further demand for these opportunities would increase, and to meet this demand, the COP would construct new, and improve the existing, access roads and trail systems within Rio Salado. Maintenance of the existing low-flow channel crossings may be needed as a result of flow events and/or continued use by Rio Salado staff. Actions such as grading and placement of fill would be required below the ordinary high water mark (OHWM) to complete these tasks. Approximately 2-acres of access roads and trails have been identified as being below the OHWM of the Salt River and would be maintained as part of this project.

Replanting- Existing and proposed vegetation features within the project area which are diseased, dying, or have died may be removed and a new vegetation feature may be replanted. Replanting would also be used as a Best Management Practice to aid in the reduction of erosion throughout the project area.

Spraying Applications/Vector control- To control invasive species within the project area invasive vegetation would be removed, but herbicidal applications would also be applied. Also, mosquito larva within wet areas of the project would be monitored via Encephalitis Vector Survey carbon dioxide traps. In some cases, larvacides and/or adulticides would be applied.

Erosion control- For ground disturbing activities within the project area, erosion control methods would be applied. Best Management Practices such as the use of sediment logs, bails, and/or basins would be utilized to minimize and prevent stormwater and construction discharges.

Bridge scour repair- In the event that scouring issues develop at any of the six bridges crossing Rio Salado, measures would be taken to retrofit the associated piers and abutments. Activities such as the placement of fill and/or grading may be used in the immediate vicinity of the bridges to repair scour damage and decrease sediment transport downstream. In general, the low-flow channel within Rio Salado is located in the immediate vicinity of several bridge piers. In the event that damage to the low-flow channel is creating a scour issue to any associated bridge features, the COP would also repair the low-flow channel as needed to protect existing infrastructure. It is estimated that 0.5–1 acre of WOUS is located within the immediate vicinity of each of the six bridges crossing Rio Salado, and would be potentially affected as a result of this activity at each of these locations.

Trenching- In the event that new or existing electrical and/or irrigation lines are installed or replaced, trenching may be utilized below the OHWM. Trenching may also be used for surveying activities. At the completion of this activity, affected soils would be re-compacted to preconstruction conditions.

Outfall maintenance- A total of thirty-one COP Streets Transportation Department maintained outfalls are located within the Rio Salado project area. The COP maintains a National Pollutant

Discharge Elimination Systems stormwater permit and monitors nine of these outfalls for water quality. The COP has also implemented Best Management Practices to improve water quality emanating from the Phoenix metropolitan area. With the assistance of the USACE, the COP is currently planning for the construction of water treatment facilities within Rio Salado. The proposed water treatment facilities would be located at the southeast corner of 7th Avenue and Lower Buckeye Road and would treat and blend water for Rio Salado. It is anticipated that future outfalls and delivery systems would be located within the project area, and would be monitored and maintained as part of this activity.

This activity is required to remove debris from headwalls, trash guards, and splash pads and to ensure outfalls are in a working condition that allows for ready use and access. Completion of this activity at all applicable outfall locations would require approximately 3,000 feet of grading within WOUS in order to convey flows to the low-flow channel. Existing drainages entering Rio Salado have an average width of 10-15 feet. Based on these calculations, an estimated permanent impact to WOUS of 1.0-acre may occur as a result of this activity.

Debris removal- Debris (i.e. vegetation, trash, inorganic material) would need to be removed from the low-flow channel throughout the project area in order to sustain channel capacity and improve the general aesthetics of Rio Salado. Debris would also need to be removed as part of ongoing outfall maintenance. Due to the nature of the project area, debris removal would most likely be required throughout the general project area in response to periodic flow events. Build-up of debris within the project area would be removed through grading and/or excavation. Other than within the immediate vicinity of outfalls and throughout the limits of the low-flow channel, specific work locations are unknown at this time. Debris removal is currently a frequent task utilized in Rio Salado. Other than the need to perform this activity on a large-scale throughout Rio Salado, continuing this maintenance function on a frequent basis would result in minimal permanent impacts to WOUS (less than 0.10-acre) when required.

Placement of fill- Existing and proposed access roads and trail systems within the project area can incur slippery conditions when wet. To combat this safety concern, mulch, sand, and/or gravel would be added to problem areas to reduce slippage. In the event that more permanent means of stabilization are required, decomposed granite, asphalt, soil cement, or concrete sidewalks would be utilized.

Vegetation removal- A variety of vegetation would need to be removed in an effort to provide adequate safety measures to the visitors and continue desired flow rates through the project area. Vegetation would be removed in order to prevent tripping. Additionally, wetland and woody species would be removed from within the low-flow channel and general project area when it is deemed that the overall capacity of the Salt River is being reduced to less than a 100-year flow. Invasive species would be eliminated from within the project area when identified. Methods of removal would range from the use of conventional hand-held equipment (i.e., chain-saw and pruning equipment) for minor work, to the use of heavy construction equipment (i.e., back-hoe, bulldozer) for major removals.

Additional Project Information

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent. The 404(b)(1) Guidelines concepts of basic project purpose and water dependency apply only when projects discharge dredged or fill material into a special aquatic site. The basic project purpose is operation and maintenance of the Rio Salado Restoration

Area, which is not water dependent. There are approximately 50-acres of wetland habitat within the low-flow channel between 19th Avenue and 9th Street, which are proposed to be permanently impacted during the timeframe of the permit. Since the EIS required that the flood control capacity of the low-flow channel be maintained, the presumption of available practicable non-special aquatic alternative sites is not applicable to this permit.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed. The overall project purpose is to conduct operation and maintenance activities within the Rio Salado Restoration area below the OHWM of the Salt River.

Proposed Mitigation – The proposed mitigation may change as a result of comments received in response to this public notice, the applicant's response to those comments, and/or the need for the project to comply with the 404(b)(1) Guidelines. In consideration of the above, the proposed mitigation sequence (avoidance/minimization/compensation), as applied to the proposed project is summarized below:

The No Action Alternative and two other on-site alternatives were evaluated. Off-site alternatives were not evaluated because the maintenance and monitoring activities are site specific to the Rio Salado Habitat Restoration Area. The preferred alternative considers the protection and restoration of the existing environmental conditions, and continued compliance with local, state and federal permits and agreements. Specific activities include outfall maintenance, debris removal, placement of fill, vegetation removal, grading, channelization, survey activities, infrastructure installation and repair, bank reinforcement, construction of access roads and trails, replanting, spraying application/vector control, erosion control, bridge scour repair and trenching.

The permit for this proposed project, if issued, would expire ten years from the date of issuance.

For additional information please contact Sallie McGuire of my staff at 602-640-5385 x221 or via e-mail at Sallie.McGuire@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

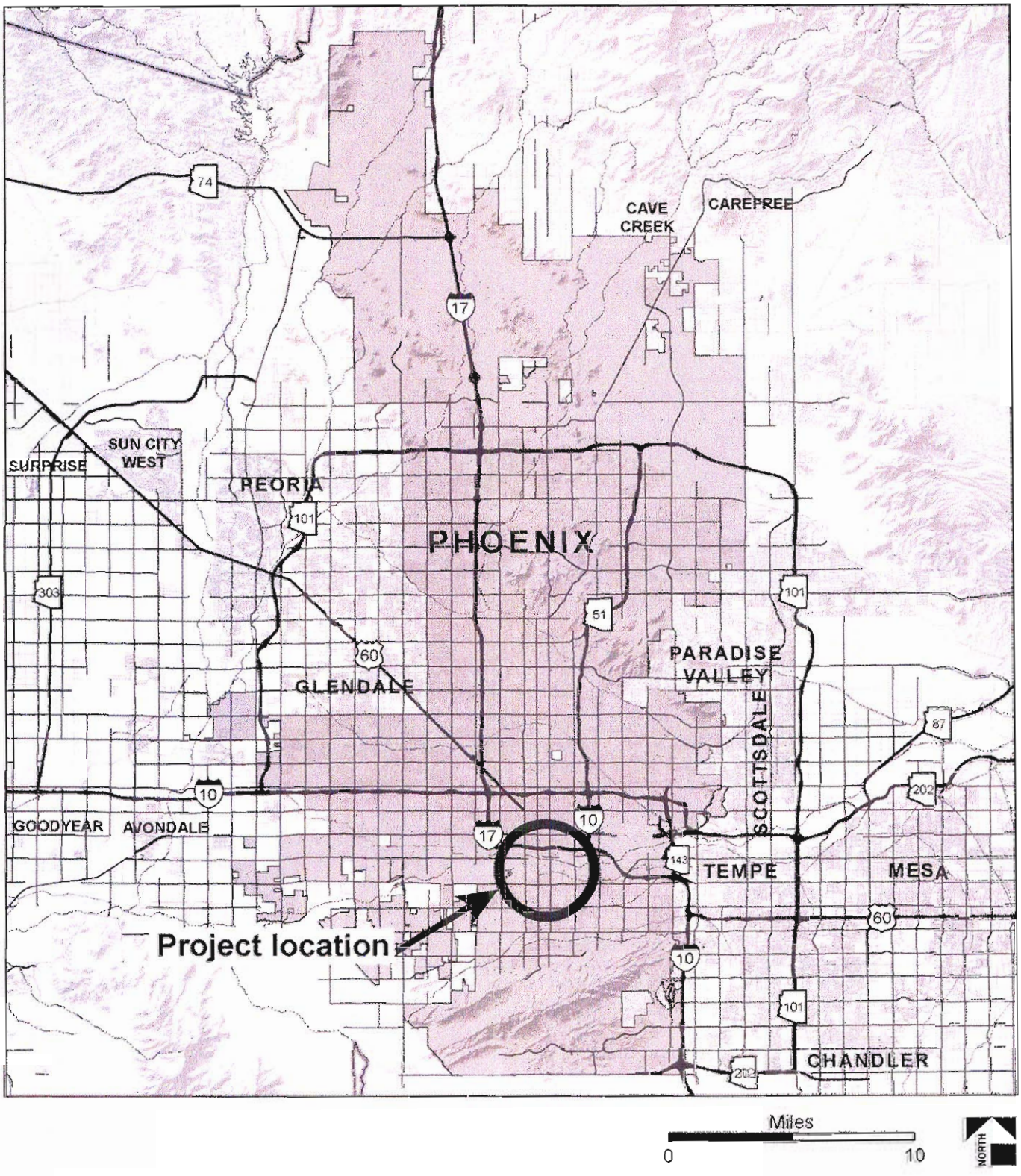
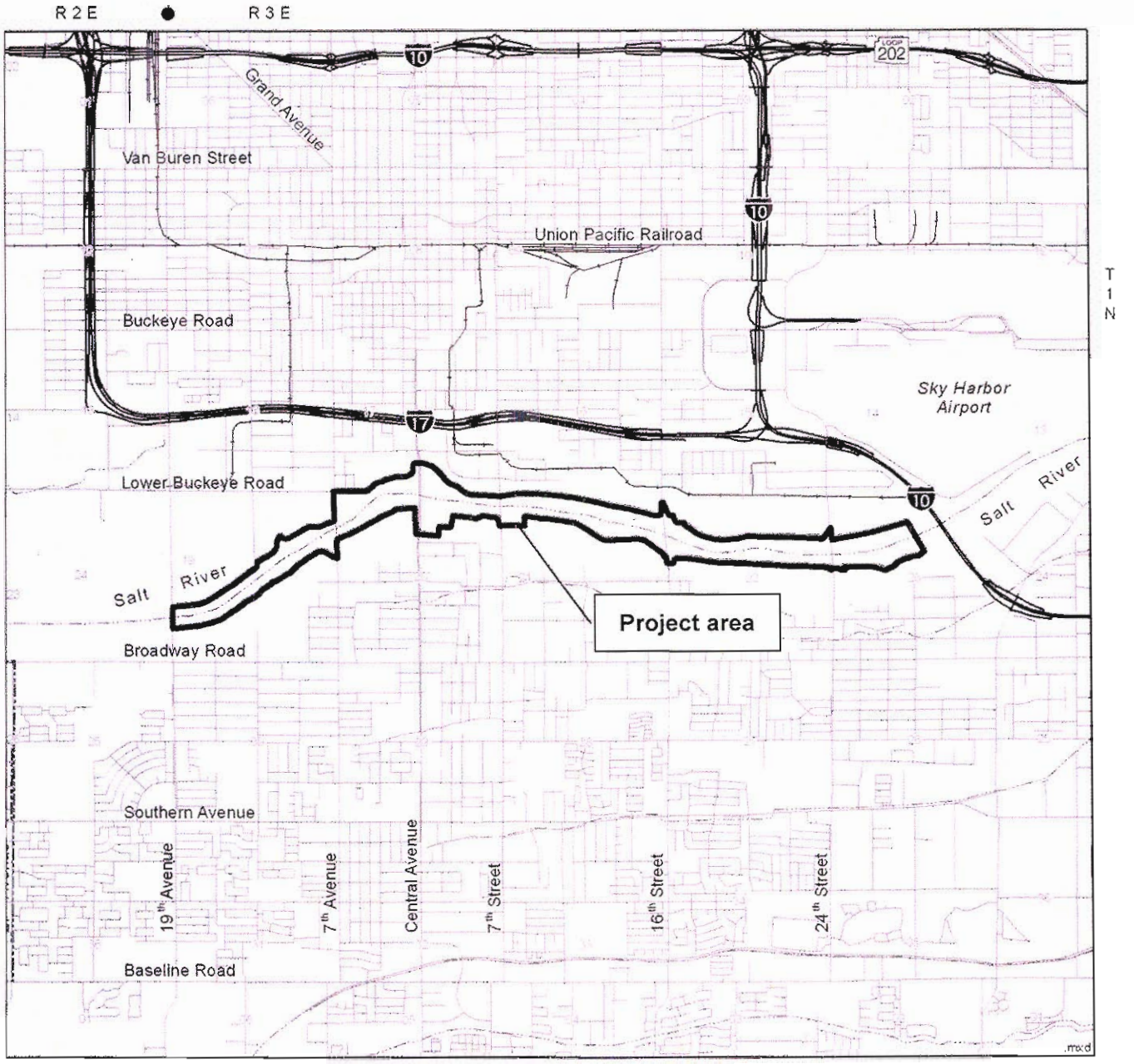


Figure 1. City Location Map



Source: Arizona Transportation Information System GIS coverage (2006)

Key

Project area

Mile

0 1

NORTH

Figure 2. Project Vicinity Map

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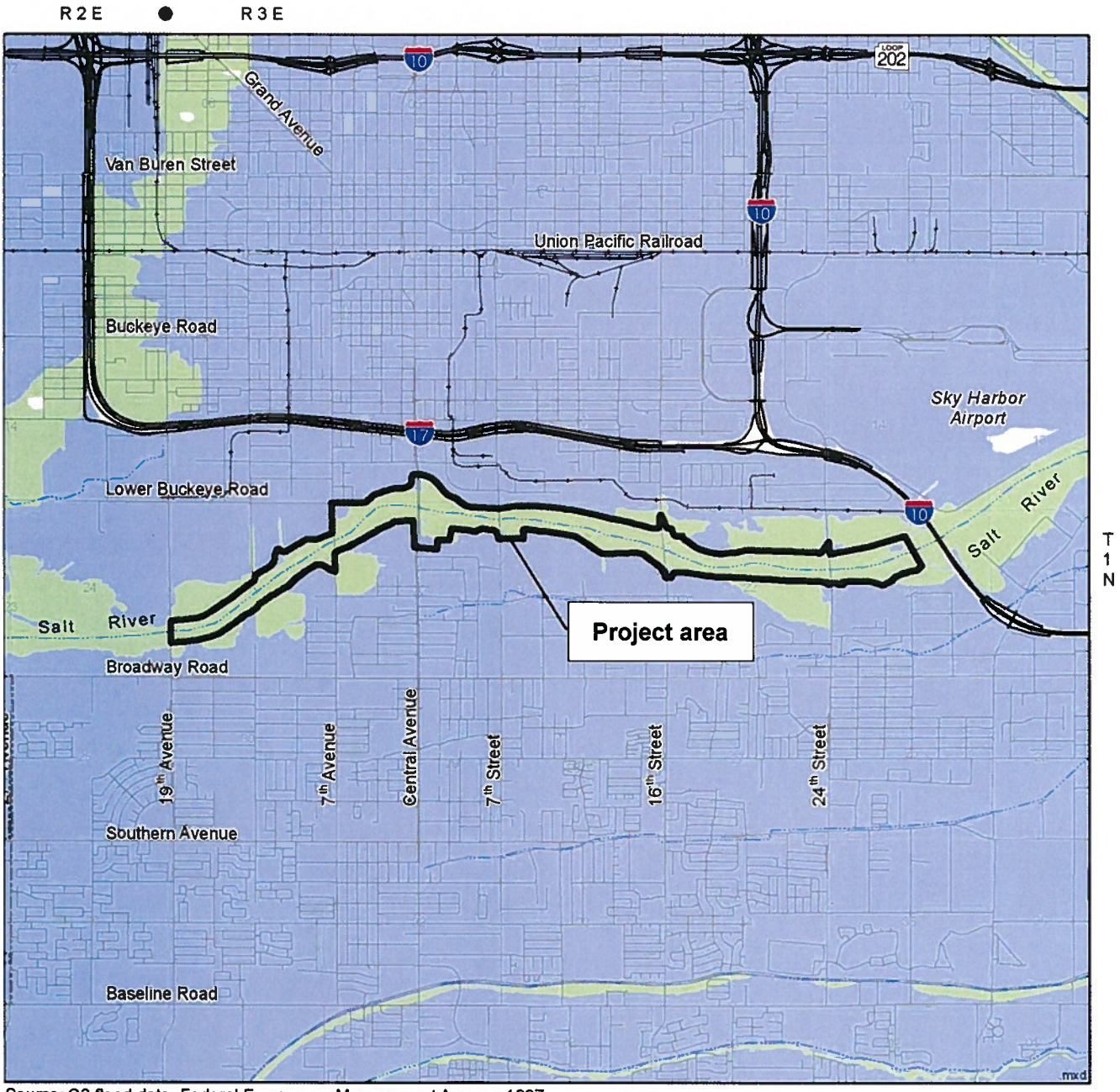

Figure 3. Floodplain Illustration

R2E R3E

T 1 N

Project area

Lower Buckeye Road

Broadway Road

19th Avenue

7th Avenue

7th Street

16th Street

24th Street

Sky Harbor Airport

South Phoenix

RIVER

SALT

CANAL

Key

Project area

Mile

0 1

NORTH

Source: USGS 7.5' Quadrangle Phoenix, Ariz. (1952, 1982)

Figure 4. Topographic Illustration

Rio Salado Habitat Restoration Area
Section 404 Individual Permit

June 2008